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EXAMINER

YOUNG, JOHN L

ART UNIT

PAPER NUMBER

3622

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/339,325

Applicant(s)
Shoham et al.

Examiner
John Young

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on May 7, 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 9-13, and 15-23 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-13, and 15-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 16 6) ☐ Other:

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FINAL REJECTION

STATUS

1. **Claims 1-7, 9-13 & 15-23 are pending.**

DRAWINGS

2. This application has been filed with drawings that are acceptable for examination and publication purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

CLAIM REJECTIONS

NEW CLAIM REJECTIONS — 35 U.S.C. §103(a)

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office Action.

3. Independent claims 1, 15 & 22 and dependent claims 2-7 & 23 are rejected under 35 U.S.C. §103(a) as being unpatentable over Franklin et al. 6,055,518 (04/25/2000) [f/d: 11/12/1996] (herein referred to as “Franklin”) in view of Halbert 6,101,484 (08/08/2000) [US f/d: 03/31/1999] (herein referred to as “Halbert”).

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As per claim 1, Franklin (the ABSTRACT; FIG. 1; col. 2, ll. 21-36; col. 3, ll. 4-50; col. 4, ll. 18-28; col. 5, ll. 5-12; col. 5, ll. 32-36; col. 6, ll. 38-42; col. 9, ll. 22-52; and col. 11, ll. 25-34) shows elements that suggest a “universal auction system having a programmable auction server, the programmable auction server comprising: a plurality of auction modules wherein at least one auction module corresponds to at least one function of an auction selected from the group consisting of a bid verifier, an information manager, a clearer, a registration manager . . . and a proxy bidder. . . .”

Franklin does not explicitly show “a proxy bidder. . . .” even though Franklin (col. 4, ll. 11-15) suggests “a proxy bidder.”

It would have been obvious to a person of ordinary skill in the art of on-line auctions that Franklin’s “*identity of a . . . bidder [is] not revealed. . . .*” (See Franklin col. 4, ll. 11-15) would have been selected in accordance with “a proxy bidder. . . .” because such security measures would have provided a means to optimize secrecy. (See Franklin col. 4, ll. 11-15).

Franklin (col. 4, ll. 18-29; and col. 5, ll. 58-64) shows elements that suggest “a bid transformer . . . the bid transformer to implement at least one of a predetermined set of discriminating allocation market protocols.”

Halbert (the ABSTRACT; FIGs. 3A, 3B, 3C, 3D, 3E and FIG. 6; col. 1, ll. 45-65; col. 3, ll. 4-25; col. 5, ll. 10-67; col. 6, ll. 1-42; col. 7, ll. 22-35; col. 7, ll. 45-67; col. 8, ll. 1-60; and col. 9, ll. 10-30) shows elements that suggest “a bid transformer . . . the bid transformer to implement at least one of a predetermined set of discriminating allocation

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market protocols.” In this instance, the Examiner interprets the disclosed “market equilibrium manager” of Halbert as being equivalent to the “bid transformer” of the instant invention.

Halbert proposes “bid transformer” modifications that would have applied to the system of Franklin. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the disclosure of Halbert with the teachings of Franklin because such combination would have provided means for *“instantaneous, accurate yield management decisions that often would encourage win-win price reductions. The supplier wins by improving his overall yield based on volume, and the buyer wins by getting a lower per unit price.”* (See Halbert (col. 2, ll. 20-25)).

As per claim 2, Franklin in view of Halbert shows the system of claim 1. (See the rejection of claim 1 supra).

Franklin (the ABSTRACT; FIG. 1; col. 2, ll. 21-36; col. 3, ll. 4-50; col. 4, ll. 18-29; col. 5, ll. 5-12; col. 5, ll. 32-36; col. 5, ll. 58-64 col. 6, ll. 38-42; col. 9, ll. 22-52; and col. 11, ll. 25-34) shows elements that suggest “auction modules wherein at least one auction specification module performs at least one transaction selected from the group consisting of a bid verification transaction, an information management transaction, a clearing transaction, a bid transformation transaction, and a registration transaction.”

Franklin does not explicitly show “auction modules wherein at least one auction specification module performs at least one transaction selected from the group consisting

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of a bid verification transaction, an information management transaction, a clearing transaction, a bid transformation transaction, and a registration transaction. . . .”even though Franklin (the ABSTRACT; FIG. 1; col. 2, ll. 21-36; col. 3, ll. 4-50; col. 4, ll. 18-29; col. 5, ll. 5-12; col. 5, ll. 32-36; col. 5, ll. 58-64 col. 6, ll. 38-42; col. 9, ll. 22-52; and col. 11, ll. 25-34) suggests same.

It would have been obvious to a person of ordinary skill in the art of on-line auctions that the disclosure of Franklin’s (the ABSTRACT; FIG. 1; col. 2, ll. 21-36; col. 3, ll. 4-50; col. 4, ll. 18-29; col. 5, ll. 5-12; col. 5, ll. 32-36; col. 5, ll. 58-64 col. 6, ll. 38-42; col. 9, ll. 22-52; and col. 11, ll. 25-34) would have been selected in accordance with “auction modules wherein at least one auction specification module performs at least one transaction selected form the group consisting of a bid verification transaction, an information management transaction, a clearing transaction, a bid transformation transaction, and a registration transaction. . . .” because such measures would have provided means for implementing an on-line auction network. (See Franklin col. 2, ll. 1-3; and col. 3, ll. 1-50).

As per dependent claim 3, Franklin in view of Halbert shows the system of claim 1 (See the rejection of claim 1 supra).

Franklin (FIG. 1; FIG. 2; col. 2, ll. 60-67; col. 3, ll. 1-2; col. 3, ll. 4-50; col. 4, ll. 35-50; col. 5, ll. 5-12; and col. 6, ll. 38-42) shows elements that suggest “a set of trading primitives; a script interpreter for interpreting a temporal protocol script representing an

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auction specification, the script including references to at least a portion of the set of trading primitives; and means for switching an auction specification of one phase with an auction specification of another phase.”

Franklin does not explicitly show “means for switching an auction specification of one phase with an auction specification of another phase. . . .” even though Franklin (col. 3, ll. 4-50) suggests “means for switching an auction specification of one phase with an auction specification of another phase. . . .”

It would have been obvious to a person of ordinary skill in the art of on-line auctions that Franklin’s “*auction typically consists of two phases. . . . At some point the bidding period is closed, thus initiating the second phase. . . .*” (See Franklin col. 3, ll. 3-10) would have been selected in accordance with “means for switching an auction specification of one phase with an auction specification of another phase. . . .” because such switching measures would have “guaranteed that no bid is revealed prior to the close of the bidding period.” (See Franklin col. 2, ll. 1-2).

As per dependent claim 4, Franklin in view of Halbert shows the system of claim 3 (See the rejection of claim 3 supra).

Franklin (FIG. 1; FIG. 2; col. 2, ll. 60-67; col. 3, ll. 1-2; col. 3, ll. 4-10) shows elements that suggest “at least one auction module of one phase is replaced with at least one auction module of another phase.”

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Franklin does not explicitly show “at least one auction module of one phase is replaced with at least one auction module of another phase. . . .” even though Franklin (FIG. 1; FIG. 2; col. 2, ll. 60-67; col. 3, ll. 1-2; col. 3, ll. 4-10) suggests “at least one auction module of one phase is replaced with at least one auction module of another phase.”

It would have been obvious to a person of ordinary skill in the art of on-line auctions that Franklin's “*communications links and switching processors. . . .*” would have been selected in accordance with “at least one auction module of one phase is replaced with at least one auction module of another phase. . . .” because such switching measures would have provided means for a secure on-line auction network. (See Franklin col. 2, ll. 1-3).

As per dependent claim 5, Franklin in view of Halbert shows the system of claim 1 (See the rejection of claim 1 supra).

Franklin (col. 3, ll. 4-58) shows elements that suggest “at least one phase comprising an interval in which at least one transaction occurs, the transaction is selected from the group comprising submitting a bid, admitting a bid, withdrawing a bid, and replacing a bid.”

Franklin does not explicitly show “replacing a bid. . . .” even though Franklin (col. 3, ll. 4-58) suggests “replacing a bid.”

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It would have been obvious to a person of ordinary skill in the art of on-line auctions that Franklin's "*insert a bid. . . .*" would have been selected in accordance with "replacing a bid. . . ." because such measures would have provided means for implementing an on-line auction network. (See Franklin col. 2, ll. 1-3; and col. 3, ll. 1-50).

As per dependent claim 6, Franklin in view of Halbert shows the method of claim 5 (See the rejection of claim 5 supra).

Franklin (col. 4, ll. 1-6; and col. 3, ll. 4-14) shows elements that suggest "wherein the phase is terminated by a condition."

Franklin does not explicitly show "wherein the phase is terminated by a condition. . . ." even though Franklin (col. 4, ll. 1-6; and col. 3, ll. 4-14) suggests "wherein the phase is terminated by a condition."

It would have been obvious to a person of ordinary skill in the art of on-line auctions that Franklin's (col. 4, ll. 1-6; and col. 3, ll. 4-14) "*Validity . . . conditions. . . .*" and "*two phases. . . .*" would have been selected in accordance with "wherein the phase is terminated by a condition. . . ." because such conditions would have facilitated complex on-line financial transactions, such as sealed bid auctions. (See Franklin col. 1, ll. 16-56).

As per dependent claim 7, Franklin in view of Halbert shows the method of claim 6 (See the rejection of claim 5 supra).

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Franklin (col. 4, ll. 1-6; and col. 3, ll. 4-14) shows elements that suggest “wherein the condition is a time period.”

Franklin does not explicitly show “wherein the condition is a time period. . . .” even though Franklin (col. 4, ll. 1-6; and col. 3, ll. 4-14) suggests same.

It would have been obvious to a person of ordinary skill in the art of on-line auctions that Franklin (col. 4, ll.1-6; and col. 3, ll. 4-14) “*Validity . . . conditions. . . .*”; “*two phases. . . .*”; and “*the end of the bidding period. . . .*” would have been selected in accordance with “wherein the condition is a time period. . . .” because such conditions would have facilitated complex on-line financial transactions, such as sealed bid auctions. (See Franklin col. 1, ll. 16-56).

As per claim 15, Franklin (the ABSTRACT; FIG. 1; col. 2, ll. 21-36; col. 3, ll. 4-50; col. 4, ll. 18-28; col. 5, ll. 5-12; col. 5, ll. 32-36; col. 6, ll. 38-42; col. 9, ll. 22-52; and col. 11, ll. 25-34) shows elements that suggest a “method of designing a universal auction system comprising: generating a plurality of auction modules in a programmable auction server, wherein at least one auction module corresponds to at least one function of an auction selected from the group consisting of a bid verifier, an information manager, a clearer, and a registration manager . . .

Franklin (col. 3, line 12) shows a “*deterministic rule. . . .*”

Franklin (col. 4, ll. 18-29; and col. 5, ll. 58-64) shows elements that suggest “implementing at least one transaction selected from the group consisting of a bid

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verification, and a bid transformation, wherein the bid transformation is based upon one of a predetermined set of discriminating allocation market protocols.”

Franklin lacks an explicit recital of “implementing at least one transaction selected from the group consisting of a bid verification, and a bid transformation, wherein the bid transformation is based upon one of a predetermined set of discriminating allocation market protocols. . . .” even though Franklin (col. 4, ll. 18-29; and col. 5, ll. 58-64) suggests same.

Halbert (the ABSTRACT; FIGs. 3A, 3B, 3C, 3D, 3E and FIG. 6; col. 1, ll. 45-65; col. 3, ll. 4-25; col. 5, ll. 10-67; col. 6, ll. 1-42; col. 7, ll. 22-35; col. 7, ll. 45-67; col. 8, ll. 1-60; and col. 9, ll. 10-30) shows elements that suggest “implementing at least one transaction selected from the group consisting of a bid verification, and a bid transformation, wherein the bid transformation is based upon one of a predetermined set of discriminating allocation market protocols. . . .” In this instance, the Examiner interprets the disclosed “market equilibrium manager” of Halbert as being equivalent to the “bid transformer” of the instant invention.

Halbert proposes “bid transformer” modifications that would have applied to the system of Franklin. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the disclosure of Halbert with the teachings of Franklin because such combination would have provided means for “*instantaneous, accurate yield management decisions that often would encourage win-win price reductions. The supplier wins by improving his overall yield based on volume, and the*

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buyer wins by getting a lower per unit price.” (See Halbert (col. 2, ll. 20-25)).

As per claim 22, Franklin (the ABSTRACT; FIG. 1; col. 2, ll. 21-36; col. 3, ll. 4-50; col. 4, ll. 18-29; col. 5, ll. 5-12; col. 5, ll. 32-36; col. 5, ll. 58-64 col. 6, ll. 38-42; col. 9, ll. 22-52; and col. 11, ll. 25-34) shows elements that suggest “a programmable auction server which includes a bid transformer that implements arbitrarily established discriminating allocation market protocols specified by at least one trading primitive, a bid verifier that determines acceptable bids, and a script interpreter for interpreting script protocol; a market specification console, connected to the programmable auction server during a network interaction, adapted to support a plurality of discriminating allocation market protocols, and the market specification console includes a script generator for translating trading primitives to temporal protocol script.”

Franklin does not explicitly show “a programmable auction server which includes a bid transformer that implements arbitrarily established discriminating allocation market protocols specified by at least one trading primitive, a bid verifier that determines acceptable bids, and a script interpreter for interpreting script protocol; a market specification console, connected to the programmable auction server during a network interaction, adapted to support a plurality of discriminating allocation market protocols, and the market specification console includes a script generator for translating trading primitives to temporal protocol script. . . .” even though Franklin (the ABSTRACT; FIG.

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1; col. 2, ll. 21-36; col. 3, ll. 4-50; col. 4, ll. 18-29; col. 5, ll. 5-12; col. 5, ll. 32-36; col. 5, ll. 58-64 col. 6, ll. 38-42; col. 9, ll. 22-52; and col. 11, ll. 25-34) suggests same.

Halbert (the ABSTRACT; FIGs. 3A, 3B, 3C, 3D, 3E and FIG. 6; col. 1, ll. 45-65; col. 3, ll. 4-25; col. 5, ll. 10-67; col. 6, ll. 1-42; col. 7, ll. 22-35; col. 7, ll. 45-67; col. 8, ll. 1-60; and col. 9, ll. 10-30) shows elements that suggest “a programmable auction server which includes a bid transformer that implements arbitrarily established discriminating allocation market protocols specified by at least one trading primitive, a bid verifier that determines acceptable bids, and a script interpreter for interpreting script protocol; a market specification console, connected to the programmable auction server during a network interaction, adapted to support a plurality of discriminating allocation market protocols, and the market specification console includes a script generator for translating trading primitives to temporal protocol script. . . .”

Halbert proposes “bid transformer” modifications that would have applied to the system of Franklin. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the disclosure of Halbert with the teachings of Franklin because such combination would have provided means for “*instantaneous, accurate yield management decisions that often would encourage win-win price reductions. The supplier wins by improving his overall yield based on volume, and the buyer wins by getting a lower per unit price.*” (See Halbert (col. 2, ll. 20-25)).

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As per dependent claim 23, Franklin in view of Halbert shows the system of claim 22 (See the rejection of claim 22 supra).

Franklin (the ABSTRACT; FIG. 1; col. 2, ll. 21-36; col. 3, ll. 4-50; col. 4, ll. 18-29; col. 5, ll. 5-12; col. 5, ll. 32-36; col. 5, ll. 58-64 col. 6, ll. 38-42; col. 9, ll. 22-52; and col. 11, ll. 25-34) shows elements that suggest “wherein the market specification console is coupled to a programmable auction server in which the programmable auction server is adapted to receive market protocols from the market specification console, the market specification console having a graphic user interface.”

Franklin lacks an explicit recital of “wherein the market specification console is coupled to a programmable auction server in which the programmable auction server is adapted to receive market protocols from the market specification console, the market specification console having a graphic user interface. . . .” even though Franklin (the ABSTRACT; FIG. 1; col. 2, ll. 21-36; col. 3, ll. 4-50; col. 4, ll. 18-29; col. 5, ll. 5-12; col. 5, ll. 32-36; col. 5, ll. 58-64 col. 6, ll. 38-42; col. 9, ll. 22-52; and col. 11, ll. 25-34) suggests same.

“Official Notice” is taken that both the concept and the advantages of “wherein the market specification console is coupled to a programmable auction server in which the programmable auction server is adapted to receive market protocols from the market specification console, the market specification console having a graphic user interface.” Said concept and advantages were well known and expected in the art by one of ordinary skill at the time of the invention. It would have been obvious to include “wherein the

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market specification console is coupled to a programmable auction server in which the programmable auction server is adapted to receive market protocols from the market specification console, the market specification console having a graphic user interface. . . .” because such concepts and advantages would have provided means to *“facilitate the exchange of several hundred million shares of stock every business day.”* (See Minton (col. 1, ll. 15-23)).

4. Dependent claims 9-13 and 16-21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Franklin in view of Halbert and further in view of Minton 6,014,643 (01/11/2000) [f/d: 08/26/1996] (herein referred to as “Minton”).

As per claim 9, Franklin in view of Halbert shows the system of claim 22 (See the rejection of claim 22 supra).

Franklin (col. 3, line 12) shows a “*deterministic rule. . . .*”

Franklin does not explicitly show “the market specification console further comprising a plurality of rules wherein at least one rule is user-modifiable.”

Minton (FIG. 5, el. 516; FIG. 6, el. 628, and el. 610; FIG. 7; FIG. 10; and FIG. 11) shows elements that suggest “the market specification console further comprising a plurality of rules wherein at least one rule is user-modifiable.”

Minton proposes “user-modifiable” rule modifications that would have applied to the on-line auction system of Franklin. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to add the “user-

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modifiable” rule modifications to Franklin, because addition of such modifications would have provided a means “*whereby individuals can buy and sell directly from each other. . . .*” (See Minton col. 2, ll. 46-57).

As per claim 10, Franklin in view of Halbert and further in view of Minton shows the system of claim 9 (See the rejection of claim 9 supra).

Franklin does not explicitly show “wherein rules comprise market protocols.”

Minton (FIG. 5; FIG. 6; FIG. 7; FIG. 10; and FIG. 11) shows elements that suggest “wherein rules comprise market protocols.”

Minton proposes market protocol modifications that would have applied to the on-line auction system of Franklin. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to add the market protocol modifications to Franklin, because addition of such modifications would have provided a means “*whereby individuals can buy and sell directly from each other. . . .*” (See Minton col. 2, ll. 46-57).

As per claim 11, Franklin in view of Halbert and further in view of Minton shows the system of claim 22 (See the rejection of claim 22 supra).

Franklin (FIG. 1; and col. 2, ll. 60-67) shows elements that suggest “a programmable auction server.”

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Franklin does not explicitly show “wherein the market specification console is coupled to a programmable auction server wherein said programmable auction server is adapted to receive market protocols from said market specification console, the market specification console having a graphic user interface (GUI).”

Minton (FIG. 1; FIG. 2; FIG. 3; FIG. 4; FIG. 5; FIG. 6; FIG. 7; FIG. 10; and FIG. 11) shows elements that suggest “wherein the market specification console is coupled to a programmable auction server wherein said programmable auction server is adapted to receive market protocols from said market specification console, the market specification console having a graphic user interface (GUI).”

Minton proposes market specification console modifications that would have applied to the on-line auction system of Franklin. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to add the market specification console modifications to Franklin, because addition of such modifications would have provided a means “*whereby individuals can buy and sell directly from each other. . . .*” (See Minton col. 2, ll. 46-57).

As per claim 12, Franklin in view of Halbert and further in view of Minton shows the system of claim 11 (See the rejection of claim 11 supra).

Franklin (FIG. 1; col. 2, ll. 60-67; and col. 3, ll. 1-3) shows elements that suggest “wherein a trader interface is coupled to a network.”

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Franklin does not explicitly show “wherein a trader interface is coupled to a network. . . .” even though Franklin (FIG. 1; col. 2, ll. 60-67; and col. 3, ll. 1-3) suggests “wherein a trader interface is coupled to a network.”

It would have been obvious to a person of ordinary skill in the art of on-line auctions that Franklin’s (FIG. 1; col. 2, ll. 60-67; and col. 3, ll. 1-3) “*auction system 100 . . . can be a network. . . .*” would have been selected in accordance with “wherein a trader interface is coupled to a network. . . .” because such a network would have facilitated complex on-line financial transactions, such as sealed bid auctions. (See Franklin col. 1, ll. 16-56).

As per claim 13, Franklin in view of Halbert and further in view of Minton shows the system of claim 12 (See the rejection of claim 12 supra).

Franklin (col. 3, ll. 4-58) shows elements that suggest submitting a bid.

Franklin (FIG. 1; col. 2, ll. 60-67; and col. 3, ll. 1-3) shows elements that suggest “a trader interface is coupled to a network.”

Franklin does not explicitly show “a trader interface is coupled to a network. . . .” even though Franklin (FIG. 1; col. 2, ll. 60-67; and col. 3, ll. 1-3) suggests same.

It would have been obvious to a person of ordinary skill in the art of on-line auctions that Franklin’s (FIG. 1; col. 2, ll. 60-67; and col. 3, ll. 1-3) “*auction system 100 . . . can be a network. . . .*” would have been selected in accordance with “a trader interface is coupled to a network. . . .” because such a network would have facilitated

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complex on-line financial transactions, such as sealed bid auctions. (See Franklin col. 1, ll. 16-56).

As per claim 16, Franklin in view of Halbert and further in view of Minton shows the system of claim 15 (See the rejection of claim 15 supra).

Franklin (col. 3, line 12) shows a “*deterministic rule. . .*”

Franklin does not explicitly show “displaying a rule to a market designer.”

Minton (FIG. 5, el. 516; FIG. 6, el. 628, and el. 610; FIG. 7; FIG. 10; and FIG. 11) shows elements that suggest “displaying a rule to a market designer.”

Minton proposes rule display modifications that would have applied to the on-line auction system of Franklin. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to add the rule display modifications to Franklin, because addition of such modifications would have provided a means “*whereby individuals can buy and sell directly from each other. . .*” (See Minton col. 2, ll. 46-57).

As per claim 17, Franklin in view of Halbert and further in view of Minton shows the system of claim 15 (See the rejection of claim 15 supra).

Franklin (col. 3, line 12) shows a “*deterministic rule. . .*”

Franklin does not explicitly show “modifying at least one rule.”

Minton (FIG. 5, el. 516; FIG. 6, el. 628, and el. 610; FIG. 7; FIG. 10; and FIG. 11) shows elements that suggest “modifying at least one rule.”

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Minton proposes rule modifications that would have applied to the on-line auction system of Franklin. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to add the rule modifications to Franklin, because addition of such modifications would have provided a means “*whereby individuals can buy and sell directly from each other. . . .*” (See Minton col. 2, ll. 46-57).

As per claim 18, Franklin in view of Halbert and further in view of Minton shows the system of claim 15 (See the rejection of claim 15 supra).

Franklin (col. 3, line 12) shows a “*deterministic rule. . . .*”

Franklin does not explicitly show “interpreting a scripted rule.”

Minton (FIG. 5, el. 516; FIG. 6, el. 628, and el. 610; FIG. 7; FIG. 10; and FIG. 11) shows elements that suggest “interpreting a scripted rule.”

Minton proposes rule modifications that would have applied to the on-line auction system of Franklin. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to add the rule modifications to Franklin, because addition of such modifications would have provided a means “*whereby individuals can buy and sell directly from each other. . . .*” (See Minton col. 2, ll. 46-57).

As per claim 19, Franklin in view of Halbert and further in view of Minton shows the system of claim 15 (See the rejection of claim 15 supra).

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Franklin (col. 3, line 12) shows a “*deterministic rule. . .*”

Franklin does not explicitly show “generating a scripted rule.”

Minton (FIG. 5, el. 516; FIG. 6, el. 628, and el. 610; FIG. 7; FIG. 10; and FIG. 11)

shows elements that suggest “generating a scripted rule.”

Minton proposes rule modifications that would have applied to the on-line auction system of Franklin. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to add the rule modifications to Franklin, because addition of such modifications would have provided a means “*whereby individuals can buy and sell directly from each other. . .*” (See Minton col. 2, ll. 46-57).

As per claim 20, Franklin in view of Halbert and further in view of Minton shows the system of claim 15 (See the rejection of claim 15 supra).

Franklin (FIG. 1; col. 2, ll. 60-67; and col. 3, ll. 1-3) shows elements that suggest “a programmable auction server.”

Franklin (col. 3, line 12) shows a “*deterministic rule. . .*”

Franklin does not explicitly show “transmitting a rule to a programmable auction server.”

Minton (FIG. 1; FIG. 2; FIG. 4; FIG. 5; FIG. 6; FIG. 7; FIG. 10; FIG. 11; and FIG. 12)

shows elements that suggest “transmitting a rule to a programmable auction server.”

Minton proposes rule modifications that would have applied to the on-line auction system of Franklin. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to add the rule modifications to Franklin, because addition of such

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modifications would have provided a means “*whereby individuals can buy and sell directly from each other. . . .*” (See Minton col. 2, ll. 46-57).

As per claim 21, Franklin in view of Halbert and further in view of Minton shows the system of claim 15 (See the rejection of claim 15 supra).

Franklin (col. 3, ll. 4-58) shows elements that suggest submitting a bid.

Franklin does not explicitly show “maintaining the status of bids.”

Minton (FIG. 1; FIG. 2; FIG. 4; FIG. 5; FIG. 6; FIG. 7; FIG. 10; FIG. 11; and FIG. 12) shows elements that suggest “maintaining the status of bids.”

Minton proposes bid status modifications that would have applied to the on-line auction system of Franklin. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to add the bid status modifications to Franklin, because addition of such modifications would have provided a means “*whereby individuals can buy and sell directly from each other. . . .*” (See Minton col. 2, ll. 46-57).

RESPONSE TO ARGUMENTS—MPEP 707.07(f)

5. The following is an excerpt of MPEP 707.07(f): “Where the [A]pplicant traverses any rejection, the examiner should . . . take note of the [A]pplicant’s argument and answer the substance of it.”

Applicant's Response to Office Action arguments and request for reconsideration filed 05/07/2002 (paper #15) have been fully considered but they are not persuasive for the following

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reasons:

Applicant's arguments against the 35 U.S.C. §103(a) rejections of claims 1-7, 9-13 &15-23 have been considered but are moot in view of the new ground(s) of rejection based on Applicant's submission of an IDS (paper#16) which prompted new grounds of rejection.

As per claim 23, Applicant's arguments (filed 05/07/2002, paper #15) fail to present an appropriate challenge to the taking of Official/Judicial Notice because Applicant's arguments do not contain adequate information or argument to create on its face a reasonable doubt regarding the circumstances justifying the [Official/Judicial] notice." (MPEP 2144.03 (August 2001) p. 2100-129). Applicant has failed to specifically point out the supposed errors in the Examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art.

Therefore, the "Official Notice" or common knowledge or well-known in the art statement concerning claim 23 is taken to be admitted prior art because Applicant's traversal is inadequate, and no further references in support of the official notice are required.

ACTION IS MADE FINAL

Applicant's submission of an information disclosure statement under 37 CFR 1.97© with the fee set forth in 37 CFR 1.17(p) on 5/31/2002 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP §

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609(B)(2)(I). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

CONCLUSION

6. Any response to this action should be mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Any response to this action may be sent via facsimile to either:

(703) 746-7239 or (703) 872-9314 (for formal communications EXPEDITED PROCEDURE) or

(703) 746-7239 (for formal communications marked AFTER-FINAL) or

(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

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Hand delivered responses may be brought to:

Seventh floor Receptionist
Crystal Park V
2451 Crystal Drive
Arlington, Virginia.

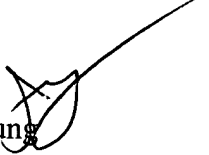
Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

2451 Crystal Drive

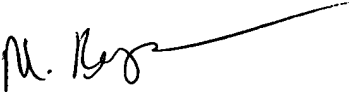
Arlington, Virginia.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

John L. Young 

Patent Examiner

July 20, 2002


MELANIE A. KEMPER
PRIMARY EXAMINER